## HACKMEN WIN TRESPASS-SUIT

Judge Lewis Abolishes Dead Line at O. S. L. Depot.

ORDI ANCE NULL AND VOID

INFORMATION AGAINST ROSE FILED IN DISTRICT COURT.

its cases yesterday against six hack drivers it was prosecuting for crossing the dead line which it had established at its depot. They were charged with trespassing. The privilege of driving within the enclosure north of the depot and soliciting passengers from incoming trains had been given, it was alleged, to parties other than the six men arrested.

Petition to Have I. Gla

The matter was decided yesterday by Judge Thomas D. Lewis in the Fourth division of the district court. He held that the ordinance under which the railroad company refused to permit all hackmen to cross the dead line was illegal. What the still grant had no conhackmen to cross the dead line was illegal; that the city council had no constitutional power to pass it, intimating that it was class legislation. Therefore the court announced that it was constrained to dismiss the prosecution. Although there were six men arrested and bound over to the district court by Judge Chris Diehi in the police division of the city court. Thomas Ewing was elected to make the fight. The other five men were Edward Wilkerson, Bert Jobes, Frank Davidson, Billie Sollis and Jeseph H. Taylor. It was agreed, that to be the result of the court of the court of the central property was recently attached by some of Glaser's creditors and a suit for settlement is now pending in the state court. Glaser's trouble is saill to be the result of the coal strike. The of the city court, fromas riwing was elected to make the fight. The other five men were Edward Wilkerson, Bert Jobes, Frank Davidson, Billie Sollis and Joseph H. Taylor. It was agreed, that they were to stand by the decision of the court in the Ewing suit. The disthe court in the Ewing suit. The dis-missal of that action is, therefore, an acquittal for the others.

Only Redress in Civil Action.

were made under an ordinance that is unconstitutional.

SUIT FOR AN OVERDRAFT.

Bank Says Shoebridge Bonanza Mining Co. Wrote Too Many Crecks.

A suit to collect an overdraft of \$764.11 was yesterday begun in the dis-trict court by the National Bank of the Republic against the Shoebridge

Dixon Reports He Has Spin Report of State of the checks were deposited and the money drawn upon, until May 31, 1902, when, the bank declares, it "had paid upon the checks of said defendant in excess of the money deposited by it, the sum of \$764.11, no part of which has been paid by the defendant " a " The bank sues for that sum, costs and interest from May 31, 1902.

\*\*ROSE INFORMATION\*\*

Dixon Reports He Has Lynch was the first man examined He was before the board for more than half an hour, He was followed by Majors, Waddell, Connors, Muilins, Riddle and Guard Jacobs. Alexander A. Robertson and Roy Kaighr, who attended the meeting, also answered a few questions put to them concerning the matter under consideration.

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The back several deposited by it, the again and Guard Jacobs. Alexander Jacobs. Ale

It Charges Him With Murder in the First Degree.

An information charging Frank Ros with murder in the first degree—th shooting and killing of his wife on the afternoon of Dec. 25, 1903—was yes terday filed in the district court by District Attorney Dennis C. Eichnor It says that on the date specified Ros "wilfully, unlawfully, feloniously, de liberately, premeditatedly and of hi malice aforethought, and with cific intent to take the life of the

low and a man among men.

Strart's Dyspepsia Tablets are beyond question the most effective and popular remedy ever offered to the sufferers of this terrible disease. The thousands and thousands of cures they have brought about and the enormous increase of their sales fully attest the truth of this statement..

They are, above all, a natural remedy. They possess exactly the same properties that the gastric juices and rot been received by Clerk Horace other digestive fluids of the stomach Smith of the board of health yesterday other digestive fluids of the stomach possess, and they actually do the digestive work of the stomach and enable that organ to rest and recuperate and become sound and well. They act in a mild, natural manner and cause no disturbance in the digestive organs. They prevent any fermentation of the food which causes sour stomach. In fact, under their influence the subject forgets that he has a stomach and his resulting cheerfulmess presents a great contrast to his mess presents a great contrast to his

former dejection. Millions of boxes of Stuart's Dys-pepsia Tablets are sold annually and they are but in the dawn of their popularity. Every mail brings letters of

have been cured of this terrible disease.
The following is one of hundreds received each week:
Rev. J. R. Hoag of Wymore, Neb., writes: "For six years I have been troubled with dyspepsia. Last fall I became very much alarmed at some symptoms of heart trouble and came to believe there was a sympathetic relation between the sympathetic relation between the sympathetic relations as the Week Before.

The deaths in the city last week were almost three times as many as the preceding seven days, being twenty-eight, as against ten for the week before, as against ten for the week before.

Only nine cases of dontable. to believe there was a sympathetic re-lation between the two diseases, or health-two of typhoid, three of smallrather, that the stomach trouble was the cause of the heart disturbance. In the upon Stuart's Dyspepsia Tablets for a remedy and invested a dollar and a haif for three boxes, which lasted me three months, and I can eat any kind three months, and I can eat any kind of food I want and have a good, vigorous appetite. Although I am 77 years old, I now feel perfectly well and without being requested by anyone I make his statement as a consulment to the articles of Stuart's Dyspepsia Tablets."

John G. Nardstrom, Provo City Jane Blake, Provo City Lizzie Symes, Salt Lake City John Mattson, Mercur Sama Kujala, Mercur William Hofifnau, Salt Lake City Marian K. Phillips, Salt Lake City

peace and dignity of the state of Utah."

Four other informations were filed by the district attorney, as follows:

H. W. Angler, forgery. On Dec. 18, 1963, at Bingham, he is accused of forging the name of O. A. Tibbetts to check for \$43.

Thomas Burns, burglary. It is charged that on Dec. 23, 1903, he entered the room of Sherman T. Stansbury, in the Weitingham block, and Had Been Spared. took goods and chattels. Budd Holman, housebreaking. In-

formation charges him with entering the house of John Cruickshank, 74 TOLD STORY OF HIS CRIME Third street, and stealing a lot of goods, on Dec. 12, 1902. Fred L. Berger, burglary. He is ac-

cused of entering the Elgin Grocery company store, 144 East Second South street, on Christmas day, and stealing The Short Line Railway company lost Mrs. M. E. Stafford Secures Divorce.

STRIKE CAUSES FAILURE. Petition to Have I. Glaser Declared

a Bankrupt. Zion's Co-Operative Mercantile Institution, the McDonald Candy company and Kann Bros., of this city, to be the result of the coal strike. The three above mentioned firms are bringing suit to have the matter adjusted, and they ask that a receiver be ap-

Only Redress in Civil

The judge held that as far as the city it concerned it cannot be a party to any prosecution of hackdrivers for crossing day, Jan. 4, 1904, that being the first law and motion day in the new year: prosecution of hackdrivers for crossing the dead line as the ordinance is void, being unconstitutional. With criminal action eliminated, the only redress the railroad company now has is to bring civil sults against hackmen who invade territory set aside for the Salt Lake Livery & Transfer company.

Both sides were anxious to have the court pass upon the question whether the railroad company had the right to grant that special privilege to one common carrier, thereby discriminating against another, but the court declined to. There were several other minor questions involved in the cases, but they were ignored by the court inasmuch as he dismissed the whole proceedings on the ground that the arrests were made under an ordinance that is California Mining company vs. Travelers' Insurance company; Harris vs. Consolidated Mercur Gold Mining company; Hartley, administrator, vs. Portland Cement; Klykendall vs. Union Pacific, Italiroad company et al.; Evans-Snider-Buel company vs. Associated Wool Growers; Provo City vs. Telluride Power & Transmission company: Conover vs. Salt Lake City et al.; Toltec Ranch company vs. Utah Toltec Ranch company vs Utah der. Sugar company; Allen vs. Diamond C. & C. Co.; Keen vs. Nipper; in re Bleak, bankrupt; in re Klenke, bankrupt; in re Peterson, bankrupt; in re Ferrin, bankrupt; in re Squires, bankrupt; in re Middlemes Bros benkrupt; in re Middlemes Bros benkrupt; in re Middlemas Bros., bankrupts.

8	balance of \$521.277.74, divided am several funds as follows:	ong	th
đ	General	117,345	9 5
	State district school	31.6,33	8 4
	Trust fund	47	4 4
	State school lands	18,60	1 5
	University	825	8 7
	Agricultural college	913	8 5
e	Public buildings	6.28	9 1
	Reserveir	41,25	0 (
	Insane asylum	1.43	
e	School of mines	-1.45	
e	Deaf and dumb	1.428	3 6
	Reform school	29	
e	Normal school	698	5 :
-	Institution for blind	- 894	9 6
v	Miners' hespital	4.40	3 8
y	Suspense account		8 5
е	Sheep inspection fund	4.51	

STATE AND COUNTY FEES.

DIED OF DIPHTHERIA.

C. Rhengreen Succumbs Quickly to the Dread Disease. Notice of the sickness of

---DEATHS SHOW BIG INCREASE

Almost Three Times as Many Last

Week as the Week Before.

MARRIAGE LICENSES.

## LYNCH SHED TEARS OF JOY

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NAME WAS MENTIONED.

Jemes Lynch wept yesterday when he was told that the board of pardons by his feelings that he could make no reply to Deputy Warden Wright when the latter broke the good news to him. In a semi-dazed condition he extended his right hand through his partially opened cell door to grasp the one given him by the prison official. Then he sat down on his cot in the death cell and went

and wept.

It was only for a moment that the condemned man gaye way to his feal-ings. When Deputy Sheriff Russell, who had worked so hard for his life, and several other persons interested in his case were permitted to see him a few moments later, he had dried his tears. His face was flushed and his eyes fairly danced with pleasure. The hard lines of worry and anxiety had all but disappeared; they were supplanted by an expression of the greatest of re-Sobbed Like a Child.

When these men crowded around his cell door, all eager to shake his hand, and all congratulating him at once, Lynch broke down a second time, making no effort to control his feelings. When they left the cell he sat down pointed by the court.

The following cases will be subject that was audible out into the corridor,

threw himself on his cot, and sobbed.

Prisoners Were Well Pleased. In less than half an hour after the board had decided to commute Lynch's sentence, the death watch was removed,

and preparations were made to put the man in the second grade. Monday he will probably go to work in the shop. Aside from the mercy shown Lynch, the most startling result of the board meeting yesterday was the assertion made by Connors, a life prisoner, that Abe Majors was the man who wanted to blow Guard Jacobs' brains out as he lay prostrate upon the floor at the time of the jail break. Up to that time the prison authorities had only surmised that Majoré was the man whom Lynch prevented from adding to the seriousess of the break by committing mur-

Board Met in Prison Chapel. The board held its special meeting in the chapel of the prison. It first met in the state supreme court room, and then adjourned to the penitentiary, it being considered more advisable to do that than to have the witnesses brought

the "boys could count him out

Lynch Caused Break to Fail.

Mullins made the statement that up the time Lynch interfered, the plot to break had worked as planued, but from that moment the men conceived the idea that there was a traitor in the crowd and, getting excited, lost their heads and the well laid plans to make the break a wholesale liberation of ling better and have increased in weight.

For 1903 Shows a Big Decrease.

Secretary of State James T. Hammond's Report by inflicting a one mortal wound annuoneed yesterday that the need not answer any question put to him, or tell anything that would incriminate himself, but Compors apparent the sum of the dearing 1902 segregated all questions readily, and seemingly will be summer than all others that will give a man a forlorn and friendiess appearance and make him morbid and "cranky" and disagreeable, that thing is dyspepsia. It makes one forget his friends and become ending of 1.182 insuruments, as against 983 or 1825.96 during 1902 serves 38.06. The large appearance and make him morbid and "cranky" and disagreeable, that thing is dyspepsia. It makes one forget his friends and become morbid and "intimate him and the other prisoners did tell the board corrobovated in every part of the plot.

Mother's Name Brought Tears.

Lynch looked a physical wreck when he is intended himself or not. The prisoner was all questions readily, and seemingly to the time of the him, or tell answers any question put to him, or tell any any question put to him, or tell any any design the need not answer any question put to him, or tell any will the need not answer any question put to he time need not answer any question put to he time need not answer any question put to he time need not answer any question put the him, or tell any will the need not answer any question put

published by The Herald. When asked about the Idaho robbery, he said hunger drove him to steal something to eat. He was working his way to the

BREAKS UP Prevents Pneumonia.

"Avoid undue exposure to cold. Cold damp weather are very prolificuses of all catarrhal troubles. "As Pneumonia is often preceded by rip, patients with the latter malady hould treat its first symptoms with the east possible delay, and should not excess themselves to cold of any kind until all signs of danger are past."

"Persons in attendance upon bneumonia patients should bear in mind that the disease is sometimes communicable through the agency of expectoration."—N. Y. Herald.

The use of Dr. Humphreys' "Seventy-even" cures Grip, prevents Pheumonia and breaks up Colds that hang on, At Druggists, 25 cents. Medical Guide mailed free.

Humphreys' Med. Co., Cor. William & John Streets, New York.

enough money to return home.

Then Governor Wells and Attorney General Breeden touched upon the man's family and birthplace. It was then that the governor learned for the first time that Lyzch was not the man's right name. He asked to be man's right name. He asked to be excused from telling it, or where he was born, except to state in a northern New York town. When asked if his mother knew he was in prison, tears came to the man's eyes, and he brushed them brushed them away with his right hand. In a half-audible voice he said: "No."

WEPT WHEN HIS MOTHER'S "No."

"Realizing that you are about to go to your death, do you still refuse to communicate with your mother and tell her everything?" asked the gov-

Intended to Save His Mother. The man evidently thought from that that there was no hope for him, for a frightened, despairing look came over his face, and the muscles in his throat twitened. He looked the governor straight in the face, and added, almost with a sob:

"I do, shy; I would rather she would never knew it, governor."

"And will you reveal your right name when you come to die?" asked the governor.

the governor.
"No," he answered, as he shook his head. During the trying ordeal Lynch sat with his right leg thrown over his left, never once moving from that position. Most of the time his hands were crossed in his lap, he twisting and turning his fingers in his nervousness. His eyes were always directed straight at the member of the board who addressed him, and when he answered a question he never took them from the face of the person he was speaking

Did Not Beg For His Life,

He did not plead for his life; he did not beg to be permitted to live; he simply told his story in a most frank manner and answered all questions as pointedly as he could. He seemed content to take advantage of the last op-portunity to tell his story, and uncom-

His account of the hold-up and the where his death watch sat, the man ed. He said that if he had not been intoxicated he never would have en-gaged in it. He denied that he knew the other two men by names other than "John," whom he met in Ogden, and "Yellow,' a mulatto, who lived in this city. He met them less than a week before the affair.

When asked if Colonel Prowse fired the first shot, he said he did not know; that he was backing away from the man, intending to escape if possible, for he saw that the "far". for he saw that the "jig" was up, when

AN IRRIGATION COMPANY.

The articles of incorporation of the Providence Pioneer Irrigation company of Providence Pioneer Irrigation company or Providence. Cache county, were yester-day filed with Secretary of State James F. Hammond. The company has a capitalization of \$3.000, divided into 300 shares at a par value of \$10 each. Jacob Zollinger is president, Oscar F. Rice vice president, Joseph Campbell secretary and treasurer. The company is organized for the purpose of constructing a canal it Cache county and using waters from the Cache county and using waters from the

ALL ARRANGEMENTS MADE. Washington, Jan. 2.—All the supply departments of the army have made arrangements for the transportation of troops and supplies from New York to San Francisco to the isthmus in case such movement is determined upon. Plans also have been considered for the construction of a large storehouse and temporary barracks on Pan-ama territory, and it estimated that \$500,000 may be required for such con-

DOCTOR'S SHIFT.

struction

Now Get Along Without It. A physician says: "Until last fall I

used to eat meat for my breakfast and suffered with indigestion until the meat had passed from the storiach.

prisoners "went to pieces."

Connore was the only man, excepting
Lynch, who showed any disposition to
tell all he knew, whether it incriminated himself or not. The prisoner
was advised by Governor Wells that
also for those recovering from disease from indigestion or over-feeding and also for those recovering from disease where I want a food easy to take and certain to digest and that will not

"I always find the results I look for when I prescribe Grape-Nuts. For thical reasons please omit my name." Name given by mail by Postum Co., Battle Creek, Mich.

The reason for the wonderful amount of nutriment and the easy digestion of Grape-Nuts is not hard to find.
In the first place, the starchy part the wheat and barley goes through arious processes of cooking, to perfeetly change the starch into Dextrose or Post Sugar, in which state it is ready to be easily absorbed by the blood. The little parts in the wheat and barley which Nature can make us of fer rebuilding brain and nerve cen-ters are retained in this remarkable food, and thus the human body is sup-plied with the powerful strength pro-ducers so easily noticed after one has caten Grape-Nuts each day for a week Get little book, "The Road to Well-

La Garage **AUTOMOBILES and BICYCLES** Fine Steel Spring and Tool Work. a Specialty. All Work Quaranteed 264 S. State. Phone 2080-K

The Great Selling-Out Sale starts at 9 o'clock tomor-F. AUERBACH & BRO. row morning at JUST READ PAGE 8, SECTION 3.

Exclusive Milliners 116 main St.

## H Sensational Millinery Sale!

An Ordinary Event for New York or San Francisco, but a Stunner for Salt Lake City.

for \$10.00 Hats.

Providing You Get Chere First.

PARTICULARS.

I am agent at 116 South Main street, Salt Lake City, for Jas. G. Johnson & Co., 649, 651, 653 and 655 Broadway, New York City, the largest Millinery House in the world. During the winter they have supplied my Wholesale Department with every new and desirable hat shape made by any reputable manufacturer in the United States, and many foreign models. Neither this world-renowed firm, whom I am trying to imitate in establishing reliable standards for millinery, nor I, will carry our hats from one season to another, if it can be avoided.

I have bought all their samples, NEARLY 1,500 SHAPES IN ALL, at a ridiculously low price.

The line comprises the newest novelties—such styles as were introduced late this season in New York-and will close out this entire purchase at a uniform price. .

Ladies' flats. Trimmed or Untrimmed,

Misses' School Hats, Etc.

ONE DOLLAR FIFTY CENTS

EACH

This includes untrimmed Beavers in silk, wool or fur Felts—the highest qualities of French Fur Felts, Napped Beavers, trimmed or untrimmed-soft finish and in the most delicate colorings that

They will be strewn from one end of the store to the other MONDAY and TUESDAY-Take your choice-Bring your dollar-No credit-No exchanging-No returns during this sale,

TO MY OGDEN PATRONS: A fair share of this stock has been placed in my department in S. J. Burt & Bros.' Store. All sales advertised for the Salt Lake Store are duplicated as nearly as possible there.

Millinery Department, S. J. Burt & Bros., Ogden.

O. D. Banks, 116 South Main Street

INSURANCE POLICY.

It Carries Weight.

> Because it takes a weight of respon sibility off your shoulders, and protects you from loss by fire when you have a policy in the Home Fire. Our Company is thoroughly responsible and always makes prompt settlement

> We write fire and plate glass in-OF UTAH. 26 S. Main St.

Che Cecilian Piano Player

> IS ACKNOWLEDGED BY ALL MUSICAL PEOPLE TO BE THE MOST UP TO DATE PIANO PLAY-ER MADE AND YOU ARE KINDLY INVITED TO CALL AND SEE THE 1904 STYLES.

Coalter's Music Co.,

next Door Z. C. M. T.



MISS RUTH WILSON WITH, HELD'S CONCERT BAND at the GRAND THEATRE SUN-DAY EVENING, at 8:30. The Band is composed of forty of the best professional musicians of the city, and stands at the head of similar organizations in the west. The programmes ren-dered are such as to satisfy both the lovers of popular and of classic music.
A. S. ZIMMERMAN, Mgr.

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Boston Dental Parlors 126 MAIN STREET.